

HOLLYWOOD TRANSPORTATION IMPROVEMENTS PROJECTMAINTENANCE AGREEMENT

THIS AGREEMENT, entered into this _____ day of _____, 1984 by and between the City of Portland, hereinafter referred to as "City", and the Hollywood Boosters, hereinafter referred to as "Boosters", is for the purpose of providing continued maintenance of certain identified improvements to be installed in and around the Hollywood Business District, in the City of Portland, under the Hollywood Transportation Improvements project.

WHEREAS, City Council adopted Resolution No. 32460 on June 28, 1979, adopting "Plan D", which describes proposed transportation improvements for the Hollywood Business District, and

WHEREAS, "Plan D" is the result of joint planning efforts by City staff, the Boosters, and the Hollywood Neighborhood, and

WHEREAS, final plans and specifications are being prepared by City staff for construction, and

WHEREAS, it is necessary to provide for continuous maintenance of the improvements to be constructed in the Hollywood Business District;

NOW, THEREFORE, the City, through its appropriate bureaus, and the Hollywood Boosters do mutually agree to assume maintenance responsibility for improvements to be constructed and installed in the Hollywood Business District under the Hollywood Transportation Improvements Project in accordance with Exhibit A, dated January 19, 1984, attached hereto, and

Pursuant to assuming maintenance responsibility herein, the Boosters shall provide Public Liability insurance protecting the City and the Boosters from claims relating in any way to the existence or maintenance of improvements, and performance of work described in Exhibit A as being the responsibility of the Boosters. Such insurance shall be in sums not less than \$100,000/300,000 for bodily injury, and \$300,000 for property damage per occurrence, OR a single limit policy in the minimum amount of \$300,000, covering all claims per occurrence, and,

Maintenance services and responsibility described herein shall commence upon acceptance by the City of the contractor's work as satisfactory and complete, and

If any improvement identified herein is not properly maintained, and/or poses a hazard to public safety, or becomes an eyesore, as determined by the City Engineer, the City reserves the right to remove the improvement(s). Prior to removal, the City shall provide ninety (90)

calendar days notice to the Boosters to correct deficiencies. However, if the defect poses a safety hazard as determined by the City Engineer, notification time shall be twenty (20) calendar days. Removal of the improvement(s) shall be the only recourse to the Boosters for failure to properly maintain improvements herein.

IN WITNESS WHEREOF, the City and the Hollywood Boosters have executed this Agreement as of the _____ day of _____, 19__.

CITY OF PORTLAND

Mike Lindberg
Commissioner of Public Works

Jewel Lansing
City Auditor

APPROVED AS TO FORM
APPROVED AS TO FORM

Christopher P. Thomas *219*

City Attorney

HOLLYWOOD BOOSTERS

President

EXHIBIT A
January 19, 1984

HOLLYWOOD TRANSPORTATION IMPROVEMENTS PROJECT
MAINTENANCE RESPONSIBILITIES

Responsibility for continued maintenance of improvements in the Hollywood Business District shall be as follows:

1. City of Portland

- A. Maintenance Bureau
 - Pavement on island at NE 39th and Sandy
 - Street pavement
 - Sidewalk corners
 - Trash receptacles
 - Island at NE 40th and Sandy
 - Pavement in the public right-of-way section of the "Hancock Plaza," located at NE Sandy Boulevard and NE Hancock Street
 - Traffic signals
 - Crosswalk striping
 - Traffic & parking signs
 - Street markings
- B. Park Bureau
 - Tree pruning and replacement
 - Tree well grate covers, and bricks
 - Plants and ground cover maintenance and replacement
 - Irrigation system at ground cover areas
- C. Street Lighting Bureau
 - Street lights and poles owned by City of Portland
 - Pedestrian lights at Hancock Plaza, and on island at 39th & Sandy
- D. Bicycle Program
 - Bike racks
- E. Water Bureau
 - Drinking fountains

2. Hollywood Boosters

- A. Maintenance and repair of all the following items in the project area:
 - Benches
 - Planter tubs
- B. Performance of the following work on the island at NE 45th and Sandy, at the "Hancock Plaza," and on the island at NE 39th and Sandy:
 - Weed and water ground cover, plants and trees
 - Clean planter tubs and tree wells of debris
 - Snow removal, cleaning, and washing at Hancock Plaza

ORDINANCE No. 155564

An Ordinance authorizing the City to enter into an agreement with the Hollywood Boosters providing for on-going maintenance of improvements to be installed in the Hollywood Business District under the Hollywood Transportation Improvements Project, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. City Council adopted Resolution No. 33570 on December 14, 1983 approving final plans and construction of the Hollywood Transportation Improvements Project.
2. Federal Aid Interstate Transfer (FAIX) funds have been allocated by the Oregon Department of Transportation (ODOT) and the Federal Highway Administration (FHWA) to finance project improvements.
3. The Hollywood Boosters and appropriate City bureaus have agreed to undertake maintenance responsibility for the various improvements to be installed under the project.

NOW, THEREFORE, the Council directs:

That the Commissioner of Public Works and the Auditor are authorized to execute, on behalf of the City, a maintenance agreement similar in form to the agreement attached hereto, and by this reference made a part hereof.

Section 2. The Council declares that an emergency exists because maintenance responsibility should be determined for improvements prior to construction to avoid future confusion and misunderstanding as to such responsibility; therefore, this Ordinance shall be in force and effect after its passage by the Council.

Passed by the Council, **FEB 1 1984**

Commissioner Mike Lindberg
ELY:am

JEWEL LANSING

Auditor of the City of Portland

By Edna Cervera
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	✓	
LINDBERG	✓	
SCHWAB	✓	
STRACHAN	✓	
IVANCIE	✓	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

Calendar No. 211

ORDINANCE No. 155564

Title

An Ordinance authorizing the City to enter into an agreement with the Hollywood Boosters providing for on-going maintenance of improvements to be installed in the Hollywood Business District under the Hollywood Transportation Improvements Project and declaring an emergency.

JAN 27 1984

Filed

JEWEL LANSING
Auditor of the CITY OF PORTLAND

By

Deputy

INTRODUCED BY	
Commissioner of Public Works	
NOTED BY THE COMMISSIONER	
Affairs	
Finance and Administration	
Safety	
Utilities	
Works <i>ML/mo</i>	
BUREAU APPROVAL	
Bureau:	
Transportation Engineering	
Prepared By:	Date:
Ernest L. Yuzon/am	1/19/84
Budget Impact Review:	
<input type="checkbox"/> Completed	<input checked="" type="checkbox"/> Not required
Bureau Head: <i>Joan English</i>	
Joan English, Acting Admin.	
CALENDAR	
Consent	Regular <i>x</i>
NOTED BY	
City Attorney	
City Auditor	
City Engineer <i>A.O. Schmit</i>	